

HOUSE BILL No. 1137

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-30-5.

Synopsis: Transborder groundwater authority. Establishes the Indiana-Kentucky transborder groundwater authority (authority). Requires the authority to study ownership rights in the groundwater resources shared by Indiana and Kentucky and to explore the desirability of entering into an interstate compact with Kentucky concerning the use of the groundwater underlying southern Indiana and northern Kentucky. Authorizes a county that borders the Ohio River or that borders another county that borders the Ohio River to elect to participate in the authority. Provides for the authority to include elected officials from municipal and county government in the participating counties, county health officers of the participating counties, a member of the board of the soil and water conservation district of a participating county, and the director of the department of natural resources. Authorizes the authority to invite government officials from Kentucky to attend the authority's meetings and advise the authority. Authorizes the authority to receive grants and appropriations from governmental and private sources. Provides that participating counties may appropriate money for the authority's budget. Requires the state board of accounts to prescribe the methods and forms for keeping and to periodically audit the accounts, records, and books of the authority. Provides that the authority expires July 1, 2021.

Effective: July 1, 2016.

Stemler

January 7, 2016, read first time and referred to Committee on Statutory Committee on Interstate and International Cooperation.



Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1137

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 14-30-5 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2016]:
- 4 **Chapter 5. Indiana-Kentucky Transborder Groundwater**
- 5 **Authority**
- 6 **Sec. 1. As used in this chapter, "authority" refers to the**
- 7 **Indiana-Kentucky transborder groundwater authority established**
- 8 **by section 5 of this chapter.**
- 9 **Sec. 2. As used in this chapter, "executive" has the meaning set**
- 10 **forth in IC 36-1-2-5.**
- 11 **Sec. 3. As used in this chapter, "participating county" refers to**
- 12 **a county that elects to participate in the authority under section 6**
- 13 **of this chapter.**
- 14 **Sec. 4. As used in this chapter, "transborder groundwater**
- 15 **resources" refers to the groundwater resources that underlie**
- 16 **southern Indiana and northern Kentucky. The term includes the**
- 17 **Silurian-Devonian, Mississippian, and Pennsylvanian aquifers**



underlying southern Indiana and northern Kentucky.

Sec. 5. The Indiana-Kentucky transborder groundwater authority is established.

Sec. 6. (a) This section applies to a county that:

(1) borders the Ohio River; or

(2) borders another Indiana county that borders the Ohio River.

(b) The executive of a county described in subsection (a) may elect to participate in the authority by designating the county as a participating county.

(c) The executive of a participating county may at any time revoke the designation of the county under subsection (b) and withdraw from the authority.

Sec. 7. (a) The authority consists of the following individuals:

(1) From each participating county:

(A) the executive of each second class city located in the participating county, or the executive's designee; or

(B) if a participating county does not have a second class city:

(i) the executive of the municipality having the largest population of any municipality in the participating county; or

(ii) the designee of the executive described in item (i).

(2) A member of the county executive of each participating county, selected by the county executive, or an individual designated by the county executive as its designee.

(3) The county health officer of each participating county, or the county health officer's designee.

(4) An individual who:

(A) is a member of the board of supervisors of the soil and water conservation district of a participating county; and

(B) is appointed by the governor.

(5) The director, or the director's designee.

(b) The term of office of an authority member who is:

(1) the executive of a municipality; or

(2) a member of the county executive;

continues until the member's successor as executive of the municipality or member of the county executive is elected and certified.

(c) The term of office of a member appointed to the authority under subsection (a)(4) is three (3) years.

Sec. 8. The members of the authority serve without



1 compensation. However, each member is entitled to reimbursement
 2 for travel, lodging, meals, and other expenses actually incurred in
 3 connection with the member's duties as provided in the state travel
 4 policies and procedures established by the Indiana department of
 5 administration and approved by the budget agency.

6 Sec. 9. (a) The authority shall elect from among the members
 7 the following officers:

- 8 (1) A chairperson.
- 9 (2) A vice chairperson.
- 10 (3) A secretary.
- 11 (4) A treasurer.

12 (b) The term of office of an officer elected under subsection (a)
 13 is one (1) year. An officer elected under subsection (a) is eligible for
 14 reelection.

15 (c) The authority may establish and fill other offices that the
 16 authority considers necessary.

17 Sec. 10. (a) The authority may establish an executive board
 18 consisting of the following:

- 19 (1) The chairperson of the authority.
- 20 (2) One (1) authority member from each participating county
 21 that is not represented by the chairperson, to be chosen in a
 22 manner prescribed by the authority.

23 (b) The authority may delegate to the executive board the power
 24 to do the following:

- 25 (1) Recommend agenda items and activities to the authority.
- 26 (2) Conduct hearings on proposed authority projects.
- 27 (3) Perform other administrative duties assigned by the
 28 authority.

29 Sec. 11. The authority may establish one (1) or more advisory
 30 committees to assist the authority. Individuals who are not
 31 members of the authority may be appointed by the authority as
 32 members of an advisory committee. A member of an advisory
 33 committee is not entitled to:

- 34 (1) compensation for serving on the advisory committee; or
- 35 (2) reimbursement for expenses incurred in connection with
 36 the member's service on the advisory committee.

37 Sec. 12. (a) The authority shall:

- 38 (1) fix the times of the authority's regular meetings; and
- 39 (2) have at least one (1) meeting in each quarter of the year.

40 (b) A special meeting of the authority may be called in a manner
 41 established by the authority.

42 (c) A member of the authority may waive notice of any meeting



1 by filing a written waiver with the secretary of the authority.

2 Sec. 13. (a) A majority of all the members of the authority
3 constitutes a quorum.

4 (b) The affirmative vote of a majority of the entire membership
5 is required for the authority to take action.

6 (c) The authority shall keep a record of the authority's
7 resolutions, transactions, and findings. The record kept under this
8 subsection is a public record under IC 5-14-3.

9 (d) The authority may adopt rules for the transaction of
10 business.

11 (e) The authority may sue and be sued.

12 Sec. 14. The authority shall do the following:

13 (1) Study the subject of ownership rights in the groundwater
14 resources shared by Indiana and Kentucky.

15 (2) Explore the desirability of entering into an interstate
16 compact with Kentucky concerning the mutually fair and
17 prudent use of the transborder groundwater resources.

18 (3) Make recommendations concerning the content of an
19 interstate compact described in subdivision (2).

20 Sec. 15. The authority may do the following:

21 (1) Provide a forum for the discussion, study, and evaluation
22 of issues concerning transborder groundwater resources.

23 (2) Facilitate and foster cooperative planning and coordinated
24 management of transborder groundwater resources.

25 (3) Develop positions on major water resource issues and
26 serve as an advocate of the participating counties' interests
27 before Congress and federal, state, and local governmental
28 agencies.

29 (4) Publicize, advertise, and distribute reports on the
30 authority's purposes, objectives, studies, and findings.

31 (5) When requested, make recommendations in matters
32 related to the authority's functions and objectives to:

33 (A) political subdivisions in the participating counties; and

34 (B) other public and private agencies.

35 (6) When requested, act as a coordinating agency for
36 programs and activities of other public and private agencies
37 that are related to transborder groundwater resources.

38 Sec. 16. The authority may invite the governor, government
39 officials, or other individuals from Kentucky to do the following:

40 (1) Attend the authority's meetings.

41 (2) Advise the authority, upon the authority's request.

42 Sec. 17. (a) The authority may receive grants and



1 appropriations from the following:

2 (1) Federal, state, and local governments.

3 (2) Individuals, foundations, and other organizations.

4 (b) The authority may enter into agreements or contracts
5 regarding the acceptance or use of grants and appropriations for
6 the purpose of carrying out the authority's activities under this
7 chapter.

8 Sec. 18. The authority shall do the following:

9 (1) Prepare and adopt an annual budget.

10 (2) Submit the budget to the executive of each participating
11 county.

12 (3) Make the budget available to each agency appropriating
13 money to the authority.

14 Sec. 19. (a) The participating counties may budget, appropriate,
15 and disburse money to the authority for purposes of carrying out
16 the authority's purposes under this chapter.

17 (b) The appropriation from participating counties that is needed
18 for all or part of the authority's budget shall be apportioned among
19 the participating counties in direct relationship to the area of each
20 participating county compared to the area of all participating
21 counties.

22 (c) The appropriation due from each participating county
23 according to the apportionment calculated under subsection (b)
24 shall be presented to the county executive of each participating
25 county at the same time that budgets are presented by county
26 officers.

27 Sec. 20. (a) The authority may make expenditures only as
28 budgeted. However, the authority may revise the budget at any
29 time to authorize unbudgeted expenditures.

30 (b) Any appropriated amounts remaining unexpended or
31 unencumbered at the end of the fiscal year become part of a
32 nonreverting cumulative fund to be held in the name of the
33 authority. The authority may authorize unbudgeted expenditures
34 from this fund.

35 (c) The authority is responsible for the safekeeping and deposit
36 of money the authority receives under this chapter. The state board
37 of accounts shall:

38 (1) prescribe the methods and forms for keeping; and

39 (2) periodically audit;

40 the accounts, records, and books of the authority.

41 (d) The treasurer of the authority may receive, disburse, and
42 handle money belonging to the authority, subject to the following:



1 **(1) Applicable statutes.**

2 **(2) Procedures established by the authority.**

3 **Sec. 21. The authority shall make an annual report of the**
4 **authority's activities to the executive of each participating county.**
5 **Upon request, the authority shall make an annual report:**

6 **(1) to the governor; and**

7 **(2) to the general assembly in an electronic format under**
8 **IC 5-14-6.**

9 **Sec. 22. This chapter expires July 1, 2021.**

